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9	BEFORE THE BOARD OF REGISTERED NURSING
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	STATE OF CALIF ORGAN
12	In the Matter of the Accusation Against: Case No. 2009-10
13	NANCY ANN KAERCHER LITTLE, AKA NANCY ANN LITTLE A C C U S A T I O N
14	8331 Redbank Way
15	Sacramento, CA 95829-6106
16	Registered Nurse License No. 283529
17	Respondent.
18	Complainant alleges:
19	PARTIES PARTIES
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing
	("Board"), Department of Consumer Affairs.
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23	Registered Nurse License
24	2. On or about August 31, 1977, the Board issued Registered Nurse License
25	No. 283529 to Nancy Ann Little, also known as Nancy Ann Kaercher Little ("Respondent"). The
26	registered nurse license will expire on February 28, 2009, unless renewed.
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- STATUTORY PROVISIONS 1 2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a 3 4 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code 5 section 2750) of the Nursing Practice Act. 4. Code section 2725 states, in pertinent part: 6 The practice of nursing within the meaning of this chapter means 7 (b) those functions, including basic health care, that help people cope with difficulties 8 in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of 9 scientific knowledge or technical skill, including all of the following: 10
 - (4) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (A) determination of whether the signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics, and (B) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.
 - (c) "Standardized procedures," as used in this section, means either of the following:
 - (1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.
 - (2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

- (d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing.
- (e) No state agency other than the board may define or interpret the practice of nursing for those licensed pursuant to the provisions of this chapter, or develop standardized procedures or protocols pursuant to this chapter, unless so authorized by this chapter, or specifically required under state or federal statute.

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1	"State agency" includes every state office, officer, department, division, bureau, board, authority, and commission.
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3	5. Code section 2764 provides, in pertinent part, that the expiration of a
4	license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5	against the licensee or to render a decision imposing discipline on the license. Under Code
6	section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7	years after the expiration.
8	6. Code section 2761 states, in pertinent part:
9	The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
10	(a) Unprofessional conduct, which includes, but is not limited to, the
11	following:
12	(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
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14	<u>REGULATORY PROVISIONS</u>
15	7. California Code of Regulations, title 16 ("Regulation"), section 1442
16	states:
17	As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances,
18	would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required
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20	health or life.
21	8. Regulation section 1443.5 states:
22	A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social,
23	biological and physical sciences in applying the nursing process, as follows:
24	(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information
25	obtained from the client and others, including the health team.
2627	(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative
	méasures.

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- (3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.
- (6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND

- 10. At all times herein mentioned, Respondent was employed by Mercy Healthcare Sacramento at Mercy General Hospital in the Progressive Care Unit ("PCU") in Sacramento, California. Respondent had approximately three years of telemetry experience at Mercy General Hospital in the PCU as of June 27, 2005.
- 11. On or about June 24, 2005, following coronary surgery at Mercy General Hospital, Patient A was transferred to the PCU for telemetry with physician's cardiac surgery transfer orders to follow temporary pacer protocol and to call a cardiologist in the event ventricular tachycardia exceeded 6 beats. Patient A had known life-threatening risk factors for cardiac dysrhythmia and dysfunction.
- Patient A, was notified by the monitor technician at 0500, 0509, and 0515 hours of Patient A's ventricular dysrhythmia and the pacemaker's failure to capture. Respondent, without checking Patient A, dismissed the first two notices as "artifact" and "paced". At 0515 hours, the monitor technician notified Respondent a third time of Patient A's continued ventricular dysrhythmia. Respondent then entered Patient A's room and found Patient A on the floor without pulse or respiration. Respondent called a "Code Blue"; however, she failed to initiate resuscitation. Patient A was pronounced dead at approximately 0550 hours.

CAUSE FOR DISCIPLINE 2 (Gross Negligence) Respondent's registered nurse license is subject to disciplinary action 3 13. under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on 4 5 or about June 27, 2005, while working at Mercy General Hospital as a registered nurse in PCU, Respondent was guilty of gross negligence as set forth above in paragraphs 11 and 12, within the 6 7 meaning of Regulation 1442, as follows: Respondent failed to assess Patient A's status in a timely manner. 8 9 b. Respondent failed to respond to alerts of life-threatening cardiac 10 dysrhythmia of Patient A in a timely manner. Respondent failed to initiate resuscitative efforts on Patient A in a timely 11 c. 12 manner. **PRAYER** 13 WHEREFORE, Complainant requests that a hearing be held on the matters 14 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 15 16 1. Revoking or suspending Registered Nurse License No. 283529, issued to 17 Nancy Ann Little, also known as Nancy Ann Kaercher Little; 18 2. Ordering Nancy Ann Little, also known as Nancy Ann Kaercher Little, to 19 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and 20 21 3. Taking such other and further action as deemed necessary and proper. DATED: 714108 22 23

Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California

Complainant

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